

REMARKS

After entry of this response, Claims 1-41 remain pending in the present application. Applicant respectfully requests reconsideration by the Examiner in light of the following remarks.

I. Allowable Subject Matter

Claims 3-8, 12, 20, 24-26, and 35-39 were indicated allowable, albeit objected to as being dependent upon a rejected base claim. Applicant appreciates the indication of allowable subject matter. Further, the Examiner has withdrawn the previously stated rejections.

II. Rejections Under 35 USC §102 and 35 USC §103 (The Vaillancourt reference)

The Examiner has rejected Claims 1-2, 9-11, 13-19, 21-23, 27-29, 31-34, and 40-41 as being anticipated by Vaillancourt et al. (US 3,565,078, hereinafter "Vaillancourt"). Applicant respectfully traverses.

The Vaillancourt reference fails to anticipate each and every claim element; thus, the rejection is unsupportable and must be withdrawn. For example, Claim 1 includes an expandable lead pin engagement mechanism disposed within the channel which is absent from the reference.

The reference explicitly discloses that the two portions which the Examiner has characterized as a "tapered proximal channel portion" and a "distal channel which the valve member expands in" are simply the unitary funnel-portion of the catheter. Specifically, Vaillancourt teaches that the funnel portion (2) of the catheter extends just short of the zone (10). In accordance with the teachings of the reference, the funnel portion of the catheter can either be characterized as a proximal portion or as a distal portion (as claimed herein), but not both. Therefore, the Examiner's attempt to subdivide the funnel portion (clearly defined as a discrete component) for the Examiner's convenience is precluded based on the explicit teachings of the reference and the rejection should be withdrawn.

Even if a proper reading, the engagement of “a lead pin of the shape of member 3,” as asserted by the Examiner, is only possible if the lead pin is inserted into the proximal channel portion. Inserting the lead pin through the distal end of the Vaillancourt reference as stated, for example, in Claim 13 in the present application would fail to engage the lead pin because as indicated in Fig. 1, the valve liner of the Vaillancourt reference is normally collapsed and thus the lead pin would abut the valve liner.

Moreover, to the extent that the valve liner taught by Vaillancourt may be characterized as an expandable mechanism, it is inconsistent with the teachings of the reference to assert that the valve liner is also an expandable engagement mechanism. The engagement mechanism of Claim 1, for example, is a structure configured to engage a pin of a lead. The Vaillancourt reference explicitly teaches that the valve liner is designed to utilize its “natural lubricity to provide an effortless means for connecting.” See col. 2, lines 25-26. Furthermore, engagement only arises when the connector “spreads apart the valve liner, engaging for a short distance the wall of funnel 2” on one side and the collapsed tubing 4 on the other side. See col. 2, lines 13-14. Thus the valve liner taught by the Vaillancourt reference is plainly not capable of engaging a pin of a lead, nor is it intended to do so because the reference explicitly relies on the walls of the catheter. Therefore, the Examiner’s contention that the valve is an engagement mechanism is explicitly precluded by the teachings of the reference.

Further, the Examiner is respectfully reminded that the reference must be considered in its entirety, rather than taking discrete components out of context. Vaillancourt discloses a catheter with a funnel end containing an assembly of two elements: a rubber tubing (4); and a valve liner (5). See col. 1, lines 34-36. This assembly is best illustrated in Fig. 2 of the reference. The Examiner’s characterization of the portion “extending just short of the valve slit” as the proximal portion and the portion “which the valve member expands in” as the distal portion is clearly precluded by the express teachings of the reference. Contrary to the Examiner’s assertion, the explicit teachings of the Vaillancourt reference clearly delineate the “lumen of tube 2 and 1” as being a catheter.

Therefore, the elements "2" and "1" (the catheter) of the Vaillancourt reference cannot logically also be characterized as a discrete tool. Thus in the absence of the catheter (lumen of tube 2 and 1), the pertinent portion of the device that may form the basis for any rejection is illustrated in Fig. 2. The disclosure of Fig. 2 is simply that of a slit portion of a valve liner, and nothing else. See col. 2, lines 10-11.

Therefore, despite the Examiner's assertions to the contrary Vaillancourt does not anticipate the claims as it fails to teach or suggest, among other things, the tool of Claim 1 which comprises a proximal portion and a distal portion—with an engagement mechanism disposed within the distal portion.

Consequently, Claims 1-2, 9-11, 13-19, 21-23, 27-29, 31-34, and 40-41 are not anticipated by Vaillancourt and the rejection under 35 U.S.C. 102(b) must be withdrawn.

Additionally, Claim 30 was rejected under 35 USC 103(a) as being unpatentable over Vaillancourt. Applicant respectfully traverses.

The claim properly depends from independent Claim 27 and being a dependent claim is allowable therewith. Accordingly, the rejection under 35 U.S.C. 103(a) of Claim 30 over Vaillancourt is improper and must be withdrawn.

III. Conclusion

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

Date: December 20, 2007

/Daniel G. Chapik
Daniel G. Chapik
Reg. 43,424
Telephone: (763) 526-0940
Customer No. 27581